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at 6 p.m.
New York

SUMMARY RECORD OF THE 59th MEETING

Chairman: Mr. KRENKEL (Austria)

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The meeting was called to order at 6 p.m.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/47/L.55, L.62 and L.78)

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AGENDA ITEM 149: THE SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (continued)

Draft resolution A/C.3/47/L.73: Human rights in Haiti

1. The CHAIRMAN said that, in addition to the sponsors listed in the draft resolution, Samoa had been announced as a sponsor when the draft resolution had been introduced, and Mexico should have been listed as a sponsor; Belize, Benin and Guyana had also become sponsors.

2. Draft resolution A/C.3/47/L.73 was adopted without a vote.

3. Mr. KUEHL (United States of America), explaining his delegation's position after the adoption of the draft resolution, said that the United States remained committed to the restoration of the democratic process and the rule of law in Haiti, and to a negotiated settlement that would return institutional government to that country. It had condemned in the strongest terms the violence and the violations of human rights that had occurred in Haiti following the coup, and which had occurred with disturbing frequency in ensuing months.

4. The United States welcomed the report of the Special Rapporteur for Haiti; it agreed that politically motivated violence against opponents of the regime and general repression had increased immediately after the coup. Its reports, however, indicated that the worst such violence and repression had ended after a few months and that the situation, while still grave, had not deteriorated further in 1992.

5. The United States had continually urged all parties in Haiti to refrain from further violence, whether against individuals or institutions, to respect and protect the rights set out in the Universal Declaration of Human Rights, and to observe fundamental principles of human decency. It would continue to do so until human rights in Haiti were fully respected.

6. Mrs. ROMULUS (Haiti) said that her delegation and the legitimate Government of Haiti sincerely thanked all the countries that had sponsored the draft resolution, and especially Venezuela. In adopting the draft resolution,

(Mrs. Romulus, Haiti)

the international community had once again shown solidarity with the people and Government of Haiti. Her delegation encouraged all Member States to unite their efforts to help strengthen international measures that would save democracy and restore legitimacy in Haiti. Contrary to what the United States representative had said, the situation in Haiti was still deteriorating. Only the previous day, a group of students had been beaten up by the armed forces, and several had disappeared.

Draft resolution A/C.3/47/L.74: Situation in Myanmar

7. The CHAIRMAN said that the draft resolution had been introduced and orally revised by the representative of Sweden at the 56th meeting. In addition to the sponsors listed in the draft, Albania, Liechtenstein and Samoa had been announced as sponsors when the draft had been introduced, and it had been pointed out that Luxembourg had been omitted from the list of sponsors on the document.

8. Mr. MIN (Myanmar) said that draft resolution A/C.3/47/L.74 wrongly assumed that the recent measures taken by his Government some of which were noted grudgingly in the fifth preambular paragraph, were the result of external pressure, and that therefore such pressure must be maintained or even increased. Yet never in their long and proud history had the people of Myanmar given in to outside pressure. A comprehensive programme aimed at establishing a constitutional multi-party democracy in Myanmar had been proclaimed by the State Law and Order Restoration Council on 27 July 1990, and the measures that his Government was now taking were in implementation of that programme, not the result of foreign pressure. The draft resolution was one-sided and unjust, highly intrusive and interventionist, and totally ignored the principle of non-intervention in matters which were essentially within the domestic jurisdiction of States, enunciated in Article 2, paragraph 7, of the United Nations Charter, and reaffirmed and elaborated in a large number of legal and political instruments.

9. The draft resolution made no mention of the National Convention to be convened on 9 January 1993 at which the representatives elected in the 1990 elections, representing all national races, all lawful political parties and the various strata of Myanmar society, would lay down the guidelines for the constitution of a democratic Myanmar. The National Convention had been accepted as the only way to constitutional democracy by everyone in Myanmar, except the underground terrorist groups and their sympathizers, who were bent on wrecking it. It was to be hoped that the deliberate omission of any reference to the National Convention was not a reflection of any intention to side with those outlaw groups.

10. Although Myanmar was not yet a State party to the International Covenants on Human Rights, referred to in the second preambular paragraph, it was abiding by those provisions which had been taken from the Charter and the Universal Declaration of Human Rights, or had attained the status of rules of

(Mr. Min, Myanmar)

customary international law. However, in accordance with the recognized principles of international treaty law, provisions that represented the progressive development of international law and had not yet attained such a status could not be considered binding on non-State parties.

11. With regard to the fourth preambular paragraph, he recalled that when the Commission on Human Rights had adopted resolution 1992/58, his delegation had stated clearly that it was totally unacceptable because it was highly unbalanced, unjust and intrusive. Myanmar's position remained unchanged. Nevertheless, in deference to the United Nations and to maintain its unbroken tradition of cooperation with the Organization, Myanmar had decided to receive Professor Yozo Yokota in his capacity as Special Rapporteur. He would be visiting Myanmar from 7 to 13 December and would have ample opportunity to observe firsthand the true situation obtaining in the country, including the situation in the northern Rakhine State. The Myanmar delegation strongly felt that nothing should be done that might prejudge the content of the final report that Professor Yokota would be submitting to the Commission on Human Rights after his visit.

12. The sixth preambular paragraph, taken together with paragraphs 4 and 5, and the deliberate omission of any reference to the National Convention, represented an ill-disguised attempt to dictate to Myanmar that it should abandon its chosen path to democracy through the mechanism of the National Convention and instead transfer power to the representatives elected in the 1990 elections. That intent had been made clear by the statements made in the Committee by representatives of some of the sponsors. It constituted a gross interference in what was unquestionably a matter falling entirely within the jurisdiction of Myanmar, in violation of Article 2 of the Charter.

13. With regard to the seventh preambular paragraph, read in conjunction with paragraphs 3 and 6, his delegation had stated repeatedly that reports of human rights violations in Myanmar, in particular allegations of torture and arbitrary executions, emanated from underground terrorist groups and from other sources harbouring malice towards his Government. Those allegations were untrue, and his delegation rejected them.

14. As to the reference in the seventh preambular paragraph to "oppressive measures" directed at ethnic and religious minorities, he said that Myanmar was a nation of 135 national races, where four of the world's greatest religions flourished. Relations between the different national races and religious groups had been marked through the ages by a spirit of tolerance and mutual respect. Professor Sadako Ogata, the Independent Expert on Myanmar, in her report to the Commission on Human Rights at its forty-seventh session, had endorsed the view that there was a total absence of discrimination based on religion in Myanmar.

15. The eighth and ninth preambular paragraphs, read in conjunction with paragraph 12, attempted to link the movements of border inhabitants from

(Mr. Min, Myanmar)

Myanmar to some neighbouring countries with the human rights situation in Myanmar. In reality there was no such linkage. The true nature of those movements, as well as the steady progress that was being achieved in resolving the situation on the south-western borders, had been explained by the representative of Myanmar to the Committee on 25 November 1992.

16. With regard to operative paragraphs 8 and 9, he said that since April 1992, hundreds of people who had been serving prison sentences and who no longer posed a threat to national security had been released. Certain individuals had been placed under restraint not for their political activities or persuasions but for infringement of the law. Every Government had the primary responsibility of upholding the rule of law and maintaining public peace and civil order; therefore, no one should question Myanmar's right to do so.

17. Myanmar had an unbroken record of fulfilling all its obligations arising from international treaties to which it was a party. His delegation strongly resented the insinuation to the contrary in paragraph 10.

18. Draft resolution A/C.3/47/L.74 was totally unacceptable to his Government. The resolution would in no way influence the measures which his Government was committed to implementing with a view to establishing a strong and enduring constitutional democracy in Myanmar.

19. Draft resolution A/C.3/47/L.74, as orally revised at the 56th meeting, was adopted without a vote.

20. Mr. ASAHI (Japan), explaining his delegation's position after the adoption of the draft, said that his delegation was committed to the goal of achieving democracy and respect for human rights in Myanmar and had therefore supported adoption of the resolution, which was a clear expression of the international community's concern about the situation in that country. While there had been encouraging signs, Japan hoped that the Government of Myanmar would respond to international concerns by taking concrete steps to improve the situation and move steadily towards the final goal everyone agreed on.

Draft resolution A/C.3/47/L.75: Situation of human rights in Iraq

21. The CHAIRMAN said that Panama, Romania and Samoa had been announced as sponsors when the draft resolution had been introduced, and Latvia and Lithuania had subsequently become sponsors.

22. Mr. HUSSEIN (Iraq), speaking in explanation of vote before the voting, said that the sponsors of draft resolution A/C.3/47/L.75 had a political objective in introducing it and had thus done an injustice to the humanitarian and moral considerations relevant to addressing the problems encountered by countries in the human rights field.

(Mr. Hussein, Iraq)

23. The purpose of appointing Special Rapporteurs was to promote human rights, and they should not be exploited to mete out accusations against a country, propagate confessional chauvinism and antipathy and promote civil war and partition. Most Special Rapporteurs had proved fit for the task entrusted to them. Their work had been characterized by objectivity and fairness, they had made judgements only after giving all parties a hearing, they had not been carried away by political considerations, and they had thus provided a means of rendering a service to peoples rather than placing them in jeopardy. The Special Rapporteur on the situation of human rights in Iraq, however, had conceived of his task, or had had it defined for him by certain countries, as a political means of bringing pressure to bear on Iraq after the failure of all other expedients for the partition of the country, the impairment of its sovereignty, the plunder of its resources and the undermining of its security. The Special Repporteur had gone so far as to intrude himself into the deliberations of the Security Council in order to perpetuate the embargo and expose children, women and the elderly to the prospect of death owing to the shortage of food and medicines.

24. It was astonishing that the draft resolution should encourage the Special Rapporteur in the procedures he had adopted after he had intruded into matters that were extraneous to his mandate as laid down by the Commission on Human Rights, which was to inquire into the situation of human rights in Iraq with a view to its improvement. He had taken upon himself the task entrusted to the Under-Secretary-General for Humanitarian Affairs, whose statements he had even contradicted. As proposed by the Special Rapporteur, the draft resolution called for the implementation of the Memorandum of Understanding, while the Under-Secretary-General had informed the Security Council that it was being implemented as agreed by him and the Government of Iraq, and that Iraq was cooperating in a constructive manner in its regard. The role of the Security Council was again usurped by the mention of the safety of United Nations personnel in paragraph 6 of the draft resolution, while it was well known that Iraq had acknowledged its full responsibilities in that regard and that most of the incidents in question had taken place outside the area controlled by the Government and at the instigation of the coalition parties.

25. Paragraph 2 of the draft resolution spoke of alleged executions and other violations in northern and southern Iraq. The Government of Iraq could not be held responsible for violations in the north, which, owing to the coalition parties, had not been under its control for close to two years. His delegation had spoken in the Committee on a number of occasions on the situation in the south of the country and had explained in detail the true objectives behind sounding the note of confessionalism in Iraq. As had been reported by the news media and directly witnessed by humanitarian organizations and individuals visiting the south and the marshland area, the Government of Iraq had distributed weapons to the tribes there so that they might defend themselves against outlaw elements that were using the areas bordering on Iran as bases for criminal activities against the Iraqi people.

(Mr. Hussein, Iraq)

Since it was inconceivable for a Government to distribute weapons to its opponents, it followed that the people of the south were devoted to their homeland and its integrity, its unity and its Government.

26. The report of the Special Rapporteur contained accusations that there was a premeditated policy directed against the Marsh Arabs. When the Special Rapporteur had raised that matter in the Security Council, Iraq had proposed that the members of the Council should send a committee of wise men to the area in order to ascertain the situation with respect to the allegations made. The Council did not accede to that proposal for fear of thwarting the plan devised by those countries with influence in the Council to impose an aerial exclusion zone in southern Iraq.

27. The Special Rapporteur had changed his mind about the allegations relating to the Third River project, which had been refuted by the testimony of impartial experts with a historical perspective on the project. That he had done so proved his lack of meticulousness and the falsity of his allegations.

28. Paragraph 3 of the draft resolution, deploring Iraq's refusal to cooperate in the implementation of Security Council resolutions 706 (1991) and 712 (1991) and its failure to provide the Iraqi population with access to adequate food and health care, was a blatant example of sophistry and disinformation and had the objective of absolving of a grave historical responsibility certain controlling members of the Security Council that were deliberately causing the starvation and death of civilians in Iraq by insisting on the maintenance of the embargo. They were thereby violating the International Covenants on Human Rights, and violating the right to life. In theory, they allowed Iraq to purchase food and medicines, but they were preventing it from selling oil so that it could obtain the revenues necessary to secure its people's needs.

29. Security Council resolutions 706 (1991) and 712 (1991) had not been adopted to alleviate the suffering of the people of Iraq but to advance tendentious political goals and facilitate interference in the internal affairs of the country. In three rounds of negotiations at Vienna, Iraq had tried to reach a reasonable arrangement to meet pressing humanitarian needs and had attempted to set aside the political aspects. It had met with no success, however, because the influential Powers behind the drafting of the two resolutions had thwarted its efforts and had brought pressure to bear on United Nations officials who had shown some degree of understanding of Iraq's legitimate concerns to abandon their position. At the current session of the General Assembly, the Minister for Foreign Affairs of Iraq had proposed in plenary meeting that $4 billion dollars' worth of oil should be exported in order to meet Iraq's needs, but that proposal had also been thwarted. The Security Council had then proceeded, by its resolution 778 (1992), to seize Iraqi overseas assets, in response to pressure from certain countries, with a view to preventing Iraq from making use of them.

(Mr. Hussein, Iraq)

30. Iraq's response to the allegation that its Government was imposing an internal embargo on its citizens, for which Iraq was held solely responsible under paragraph 9 of the draft resolution, was that the international humanitarian organizations could testify to its falsity. The system for the distribution of foodstuffs in Iraq was attested to be fair, and those interested could consult the reports that demonstrated that fact. The signing of the latest Memorandum of Understanding also constituted a refutation of that accusation.

31. By paragraph 10 of the draft resolution, the Assembly would welcome a proposal that would create a precedent constituting a source of threat to third-world countries through its contempt for the sovereignty of States and the principle of non-intervention in internal affairs. If it was adopted, a price would be exacted from States, under the cloak of human rights, so as to advance the vital interests of influential States and promote their renewed control of other States. Despite the pressure and intimidation exercised in the Committee, resistance to the proposal was a responsibility to history. Iraq rejected the idea in its desire to protect its people, its territory and its sovereignty, and it rejected the exploitation of human rights issues to blackmail and control it.

32. The Special Rapporteur had visited Iraq on one occasion and for a period of less than 10 days. During that time, the Government had provided him with all facilities and with its full cooperation. He had visited various areas in complete freedom, and the authorities concerned had answered all of his questions. Nevertheless, paragraph 12 of the draft resolution expressed regret at the failure of the Government of Iraq to cooperate fully. Fair-minded members of the Committee might ask themselves whether any Government had ever cooperated with a special rapporteur so expeditiously or had made it possible for one to meet with so many high-level officials. Given the presence of good faith, such prompt cooperation should have been appreciated. If it had been his goal to promote human rights in a positive manner, the Special Rapporteur might have made use of it in order to encourage further cooperation and establish the best possible relations with the authorities concerned. Regrettably, that had not been the case.

33. Despite the true facts and the ignominious conduct of the Special Rapporteur, Iraq stood ready to cooperate with the Centre for Human Rights and the relevant committees in the belief that its Government was required to assume its responsibilities in the service of the country and its people and not to hide behind such slogans as those flaunted by certain influential countries with a view to furthering the noxious process of restoring their control of the world.

34. His delegation requested that the draft resolution should be put to a vote, and it hoped that other delegations would vote against the draft. What was now happening to Iraq could happen to other countries faithful to their unity and to their interests.

35. A recorded vote was taken.

In favour: Albania, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Central African Republic, Chile, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovenia, Spain, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against: Iraq, Sudan.

Abstaining: Afghanistan, Algeria, Angola, Bangladesh, Brunei Darussalam, China, Côte d'Ivoire, Cuba, Guinea-Bissau, India, Indonesia, Jordan, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Namibia, Pakistan, Philippines, Sri Lanka, Uganda, United Republic of Tanzania, Viet Nam, Zimbabwe.

36. Draft resolution A/C.3/47/L.75 was adopted by 110 votes to 2, with 26 abstentions.

37. Mr. YOUSIF (Sudan) said that his delegation had voted against draft resolution A/C.3/47/L.75 because many of the violations referred to in the draft did not exist anymore. Some of the information contained in the draft was false, especially the assertion that Iraq had not complied with the relevant Security Council resolutions adopted in 1991. The resolution was another example of the politicization of General Assembly resolutions in the area of human rights. Perhaps that practice was a pretext for many delegations in the Committee to seek the opinion of the International Court of Justice on whether the General Assembly could adopt a resolution directed against a specific country in respect of its domestic situation, under Article 2, paragraph 7, of the Charter of the United Nations. Perhaps countries should find a legal solution to that way of handling matters. Draft resolution A/C.3/47/L.75 completely disregarded the rights of the Iraqi people.

Draft resolution A/C.3/47/L.76: Situation of human rights in the Islamic Republic of Iran

38. Mr. RAVEN (United Kingdom) said that he would like to revise the latter part of paragraph 5 of the draft to reflect current circumstances. In the second line the word "has" should be deleted, and at the end of the sentence the words "in time to be reflected in the interim report" should be added.

39. At the request of the representative of the Islamic Republic of Iran, a recorded vote was taken on draft resolution A/C.3/47/L.76, as orally revised.

In favour: Albania, Algeria, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Canada, Cape Verde, Chile, Costa Rica, Croatia, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Germany, Greece, Grenada, Guatemala, Haiti, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Portugal, Russian Federation, Rwanda, Saint Kitts and Nevis, Samoa, Sierra Leone, Singapore, Slovenia, Spain, Suriname, Swaziland, Sweden, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zambia.

Against: Afghanistan, Bangladesh, China, Cuba, Democratic People's Republic of Korea, Indonesia, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Pakistan, Sri Lanka, Sudan, Syrian Arab Republic, Viet Nam.

Abstaining: Angola, Armenia, Brunei Darussalam, Cameroon, Colombia, Congo, Côte d'Ivoire, Cyprus, Ethiopia, Fiji, Gabon, Ghana, Guinea, Guinea-Bissau, Guyana, India, Jordan, Kazakhstan, Lesotho, Malawi, Mauritania, Mongolia, Namibia, Niger, Oman, Philippines, Qatar, Republic of Korea, Saudi Arabia, Thailand, Turkey, Uganda, United Republic of Tanzania, Zimbabwe.

40. Draft resolution A/C.3/47/L.76, as orally revised, was adopted by 83 votes to 16, with 34 abstentions.

41. Mr. SERGIWA (Libyan Arab Jamahiriya) said that his delegation had voted against draft resolution A/C.3/47/L.76 because it believed that human rights issues should be considered objectively. They should not be used to achieve political objectives and exert pressure on any country in order to distort its human rights record, interfere in its internal affairs or impose a particular system on its people. His delegation's vote should not be interpreted as opposition to the condemnation of human rights violations anywhere in the world. On the contrary, his country paid special attention to humanitarian issues and condemned flagrant violations of human rights wherever they might occur, and supported the international community's efforts to promote and protect human rights effectively.

42. Ms. BARENBOIM (Brazil) said that her delegation would have preferred the adoption of a consensus text. Brazil believed that United Nations activities were based on the concept of cooperation; its vote on the draft just adopted had been based on its assessment of the context of the report submitted by the Special Rapporteur.

Draft resolution A/C.3/47/L.79/Rev.1: The situation of human rights in the territory of the former Yugoslavia

43. The CHAIRMAN said that Afghanistan, Argentina, Azerbaijan, Bangladesh, Croatia, the Republic of Moldova, Senegal, the Sudan and Uruguay had also become sponsors of the draft.

44. Draft resolution A/C.3/47/L.79/Rev.1 was adopted without a vote.

45. Mr. TILLANDER (Sweden), explaining his delegation's position after the adoption of the draft resolution, said that Sweden, as a sponsor of the amended draft and in its capacity as incoming Chairman of the Conference on Security and Cooperation in Europe (CSCE) attached great importance to the missions undertaken by the Conference in the former Yugoslavia. He drew the Committee's attention to the findings and observations of the CSCE rapporteur mission on the human rights situation in Bosnia and Herzegovina and the report of the rapporteur under the Moscow human dimension mechanism and on the initial part of the mission to Croatia from 30 September to 5 October 1992. CSCE member States were determined to find durable solutions as a basis for assessing the conduct of parties to the conflict and for finding ways of dealing with the personal accountability of those responsible for violations.

46. Mr. ORDZHONIKIDZE (Russian Federation) said that his delegation had supported the adoption by consensus of draft resolution A/C.3/47/L.79/Rev.1 because it believed that the resolution would help bring about an end to bloodshed and restore the rights and freedoms of all the peoples who were victims of armed conflict. At the same time, his delegation did not support the view that only one side - the Serbs - were responsible for human rights violations in the former Yugoslavia. The Russian Federation condemned gross violations of human rights, of which a clear example was the inhuman policy of "ethnic cleansing", wherever they occurred, whoever was responsible for them,

(Mr. Ordzhonikidze, Russian Federation)

or whatever form they took. It believed that all the parties to the conflict in the former Yugoslavia were responsible for the continuation of the conflict and human rights violations, and that a one-sided approach only fanned the flames of war and played into the hands of the extremist forces of the parties. A number of paragraphs of the resolution, particularly paragraphs 3 and 19, showed that one-sided approach.

47. A Yugoslav settlement was a complex and delicate process which required circumspection, objectivity and maximum consideration for the concerns of all sides to the conflict. From that point of view, the resolution should take an unbiased approach to the President and Prime Minister of the Federal Republic of Yugoslavia, who had taken a position of constructive cooperation with the United Nations. That was all the more important in that a solution to the Yugoslav problem would have to be found by all the peoples of the former Yugoslavia together. The main consideration was to put an end to the war as soon as possible and achieve a political settlement.

48. Ms. ARGUETA (El Salvador) said that her delegation's position on the issues dealt with in the draft just adopted was based solely on humanitarian considerations. Her Government believed that ensuring respect for human rights was the responsibility of the relevant human rights organizations. States parties to human rights instruments must cooperate in rectifying human rights violations. Her delegation did not wish to prejudge the domestic situations of the countries concerned and felt that cases should always be analysed objectively, impartially and in accordance with the procedures of the United Nations. Those procedures should neither be applied selectively nor be subject to political considerations, otherwise the trust in the multilateral system for the promotion and protection of human rights would be undermined.

Draft resolution A/C.3/47/L.55: The plight of street children

49. Mr. TISSOT (United Kingdom) said that the revised text of the draft resolution which he was about to propose had been discussed and agreed with the sponsors of the proposed amendments contained in A/C.3/47/L.78. He wished to apologize to those of the draft resolution's sponsors whom he had not had time to consult on the revised text, which, in his delegation's opinion, met the concerns of the sponsors of document A/C.3/47/L.78 while retaining the spirit and thrust of the original draft resolution. He would now describe the proposed changes.

50. The words "from their families and communities and as part of national efforts and international cooperation" should be added at the end of the third preambular paragraph.

51. A new preambular paragraph reading: "Reaffirming the importance of international cooperation for improving the living conditions of children in every country" should be inserted after the thirteenth preambular paragraph.

(Mr. Tissot, United Kingdom)

52. A new paragraph, to be inserted after paragraph 5, would read:

"Calls on the international community to support, through effective international cooperation, the efforts of States to improve the situation of street children and encourages States parties to the Convention on the Rights of the Child, in preparing their reports to the Committee on the Rights of the Child, to bear this problem in mind and to consider requesting, or indicating their need for, technical advice and assistance for initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention."

53. The end of the thirteenth preambular paragraph, following the words "such causes are", should read: "often aggravated, and their solution made more difficult, by serious socio-economic difficulties".

54. In current paragraph 8, the words "the dissemination of information and the exchange of views" should be replaced by the words "supporting development projects that can have a positive impact on the situation of street children".

55. Mr. BRITO (Brazil), speaking on behalf of the sponsors of the proposed amendments to the draft, said that the essence of the amendments was now incorporated in the draft resolution as orally revised by the United Kingdom representative. He therefore withdrew the proposed amendments.

56. Ms. ARIAS (Colombia) said that her delegation, as one of the sponsors of the amendments just withdrawn, endorsed the statement made by the representative of Brazil.

57. The CHAIRMAN announced that the following delegations wished to join the sponsors of draft resolution A/C.3/47/L.55, as orally revised: Benin, Brazil, Cape Verde, Colombia, Costa Rica, Côte d'Ivoire, Dominican Republic, Guatemala, Honduras, Iceland, Malawi, Marshall Islands, Mexico, Nicaragua, Niger, Peru, Samoa, Togo, Turkey, and Uruguay.

58. Mr. MONGBE (Benin), said that he fully supported the draft as orally revised, of which his delegation was now a sponsor. However, it was regrettable that the text which the Committee was about to adopt had not been circulated in all languages.

59. Draft resolution A/C.3/47/L.55, as orally revised, was adopted without a vote.

60. Ms. TERANISHI (Japan), explaining her delegation's position after the adoption of the draft, said that while her delegation had joined the consensus on the revised draft and fully shared the concerns expressed therein, it considered that the subject-matter of the resolution went beyond the mandate of the Commission on Human Rights and the Centre for Human Rights.

Draft resolution A/C.3/47/L.62: Strengthening of United Nations action in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

61. The CHAIRMAN announced that the Sudan and Zambia had also become sponsors of the resolution.

62. Mr. MORA GODOY (Cuba) requested that the Committee should defer its decision on the draft resolution to the following Tuesday. His delegation was currently involved in negotiations on various proposals for the draft and needed time to consult with a greater number of delegations.

63. Mr. SCHERK (Austria) said that his delegation had been engaged in negotiations on the draft with Cuba on behalf of a number of delegations in addition to his own. The delegations in question had problems with certain new elements in the test introduced by Cuba at the current session. The negotiations were now over, and it was time to take action. It was useless to continue a fruitless dialogue.

64. Mr. LAZARO (Peru) said that his delegation attached great importance to draft resolution A/C.3/47/L.62. The proposal made by the Cuban delegation was a valid one. Peru therefore hoped that the delegations involved in the consultations would make a further effort to reach agreement so that the draft could be adopted without a vote as in previous years.

65. Ms. ARIAS (Colombia) said that her delegation, like the delegations of Cuba and Peru, was in favour of adopting the resolution by consensus.

66. Mr. BIGGAR (Ireland) said that his delegation, like other delegations, had a strong wish that the draft resolution be adopted by consensus. However, as it stood, the draft cast very serious aspersions on the way in which special rapporteurs appointed and working groups set up by the United Nations carried out their duties. In his delegation's view, the special rapporteurs and working groups were carrying out their mandates with complete discretion and impartiality. Unfortunately, the penultimate preambular paragraph called their discretion and impartiality into doubt; his delegation would not be able to join a consensus on a resolution which contained that preambular paragraph. He understood that proposals which would make the draft resolution acceptable to his delegation had been put to the sponsors. He hoped it would therefore be possible to reach a consensus along those lines at the current meeting.

67. Ms. PEÑA (Mexico) said that her delegation, like those of Cuba, Peru and Colombia felt that a further effort should be made to continue with the negotiations. It would perhaps be preferable to take up consideration of the matter again the following week.

68. Ms. ZINDOGA (Zimbabwe) said that her delegation endorsed the views expressed by the delegations of Mexico, Cuba, Peru and Colombia.

69. Mr. MONGBE (Benin) said that his delegation was also in favour of deferring the decision on the draft resolution.

70. Mr. MORA GODOY (Cuba) said that his delegation wished to continue negotiations with various groups of delegations. in the hope that the draft resolution submitted at the current session could be adopted by consensus, as the corresponding text had been the previous year.

71. Mr. SCHERK (Austria) said that if a consensus was to be reached, the concerns of delegations which had problems must be addressed. His delegation had not seen for several hours any willingness on the part of Cuba to continue with the negotiations.

72. Ms. SEMAFUMU (Uganda) said that her delegation supported the views expressed by Cuba, Peru, Colombia, Mexico and Zimbabwe.

73. Mr. STREJCZEK (Poland) said that his delegation fully endorsed the views expressed by the delegation of Austria.

74. Mr. VAN DER HEIJDEN (Netherlands) said that his delegation supported the views expressed by Austria and Ireland.

75. Mr. ORDZHONIKIDZE (Russian Federation) said that his delegation would prefer to proceed with the decision on the draft resolution at the current meeting.

76. Mr. TISSOT (United Kingdom) proposed that the meeting should be suspended for consultations.

The meeting was suspended at 7.50 p.m. and resumed at 8.35 p.m.

77. The CHAIRMAN announced that the delegations of Zambia and the Sudan had joined the sponsors of draft resolution A/C.3/47/L.62.

78. Mr. MORA GODOY (Cuba), speaking on behalf of the sponsors of the draft resolution, announced that agreement had been reached on a number of changes.

79. The title of the draft resolution, which was the same as that of resolution 46/129, had been omitted in error and should be inserted in the appropriate place.

80. In the thirteenth preambular paragraph, the words "being guided by a spirit of consensus", which appeared in resolution 46/129 and which had been omitted in error, should be inserted after the words "World Conference on Human Rights".

(Mr. Mora Godoy, Cuba)

81. The fifteenth preambular paragraph should be deleted and replaced by the following text:

> "Affirming the importance of the objectivity, independence and discretion of the special rapporteurs and representatives on thematic issues and countries, as well as of the members of the working groups, in carrying out their mandates."

82. In paragraph 6, the words "in particular" at the beginning of the second line should be replaced by the words "as well as".

83. Draft resolution A/C.3/47/L.62, as orally revised, was adopted without a vote.

84. Ms. STROM (Sweden), speaking on behalf of the Nordic countries and explaining their position on the draft resolution just adopted, said that they had joined the consensus on the draft on the understanding that neither the resolution as a whole, nor any part of it, should be interpreted as implying that action to promote or protect human rights and fundamental freedoms could be regarded as interference in the internal affairs of a State; on the contrary, the promotion of universal respect for, and observance of, human rights and fundamental freedoms was an obligation undertaken by Member States under the Charter of the United Nations. The Nordic countries believed that, in order to improve the position of the United Nations in the field of human rights, it was of paramount importance to enhance the efficiency of the Commission on Human Rights and, in particular, to strengthen its monitoring mechanisms such as the special rapporteurs and working groups.

85. Mr. SCHERK (Austria) said that, in a spirit of compromise, his delegation had joined in the adoption without a vote of draft resolution A/C.3/47/L.62. Austria had long supported the adoption of resolutions concerning the strengthening of United Nations action in the human rights field, and considered non-selectivity, impartiality and objectivity to be important principles in the human rights context. The original text of the resolution had, however, contained new elements not part of the consensus reached in former years; one of those elements, in particular, had cast serious aspersions on the integrity of special rapporteurs. The special rapporteurs and representatives on thematic issues and countries, as well as members of working groups, had to carry out their mandates under difficult circumstances, with limited resources and sometimes in situations where their personal safety was threatened. The General Assembly and many of the individual countries concerned, such as Afghanistan, El Salvador and Romania, had often expressed their high esteem for the valuable work done by special rapporteurs and thematic working groups. His delegation therefore felt that the special rapporteurs and working groups deserved the Committee's gratitude and unequivocal support. It was in that spirit that Austria had agreed to the text of the fifteenth preambular paragraph of the resolution, as adopted.

86. Mr. MORA GODOY (Cuba) said that he welcomed the adoption without a vote of resolution A/C.3/47/L.62. However, it represented what was unfortunately an unusual demonstration of democratic procedure in a Committee supposed to uphold democratic principles. The practices followed in connection with the consideration of resolutions on human rights, and especially the preferential treatment given to procedural motions designed to prevent the consideration of proposals submitted by delegations, constituted a dangerous precedent for the treatment of human rights questions at the United Nations. In particular, he deplored the manner in which the Chairman of the Committee had handled the request of the resolution's sponsors to defer its further consideration in order to allow time for additional consultations.

Draft decision on the reports considered under item 97 (b) and (c)

87. The CHAIRMAN suggested that the Committee should adopt the following draft decision on the reports considered under item 97 (b) and (c):

"The General Assembly takes note of the following documents:

"(a) Report of the Secretary-General on respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes;

"(b) Report of the Secretary-General on human rights and mass exoduses;

"(c) Preliminary report on the situation of human rights in South Africa;

"(d) Principles related to the status of national institutions."

88. It was so decided.

AGENDA ITEM 93: SOCIAL DEVELOPMENT (continued)

(a) QUESTIONS RELATING TO THE WORLD SOCIAL SITUATION AND TO YOUTH, AGEING, DISABLED PERSONS AND THE FAMILY (continued) (A/C.3/47/L.51 and L.80)

Draft resolution A/C.3/47/L.51: The convening of a world summit for social development

89. Mr. MAQUIEIRA (Chile), speaking as one of the sponsors of the draft resolution, said that although extensive consultations had been held on the draft, a consensus had not yet been reached. He therefore requested that the Committee should defer taking action on the draft to the next meeting in order to allow additional time for consultations.

90. Mr. LAZARO (Peru) and Mr. ROSENBERG (Ecuador) supported the request made by Chile.

91. The CHAIRMAN said that he took it that the Committee wished to defer action on draft resolution A/C.3/47/L.51 to the following meeting.

92. It was so decided.

The meeting rose at 8.55 p.m.